

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

22. RAFAEL LEONER-AGUIRRE,
a/k/a “Tremendo,”

Defendant.

Criminal No. 15-10338-FDS

**GOVERNMENT’S SUPPLEMENTAL RESPONSE TO
LEONER-AGUIRRE’S MOTION FOR BILL OF PARTICULARS**

At the previous Group Four status conference held on September 12, 2017, the Court expressed reservations about granting the defendant’s motion for a bill of particulars (Docket No. 1286). The Court indicated that it would consider whether there were other means of ensuring that the defendant had sufficient notice of the racketeering evidence the government intended to introduce against him at trial.

As the Court knows, the government has provided early Jencks Act disclosures detailing the kinds of evidence it intends to introduce against all of the Group Four defendants. In the case of Leoner-Aguirre, for instance, the government has already produced law enforcement reports, proffer interview reports, and grand jury minutes from cooperating witnesses concerning Leoner-Aguirre’s April 6, 2014 machete attack, his April 16, 2014 attempted murder (initially tried in state court), and his role in the April 2015 conspiracy to assassinate CW-2. The government also anticipates introducing evidence from several cooperating witnesses (detailed in previously produced reports and grand jury testimony) that Leoner-Aguirre was sent

by MS-13 to lead the Enfermos Criminales Salvatrucha (ECS) clique in Chelsea, that upon arriving in Chelsea he energized the ECS clique, that he directed clique members to commit violent attacks against 18th Street gang members, that he directed clique members to commit robberies, and that under Leoner-Aguirre's leadership ECS members provided funds to sustain the clique and advance the goals of MS-13.

Viewed in this light, the concern is less about notice to the defendant—he has ample notice of the kinds of evidence the government intends to introduce against him—and more about the need for the Court to have sufficient information in advance of trial to efficiently and effectively manage the Group Four trial. To that end, the government advises that on or about October 23, 2017, it expects to file a trial brief with the Court summarizing the evidence that the government anticipates introducing against the Group Four defendants at trial, the sources of that evidence, and the significant violent crimes or other racketeering acts that are likely to be the focus of the trial.

Respectfully submitted,

WILLIAM D. WEINREB,
Acting United States Attorney

By: /s/ Christopher Pohl
Christopher Pohl
Glenn A. MacKinlay
Kunal Pasricha
Kelly Begg Lawrence
Assistant U.S. Attorneys

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on September 26, 2017.

/s/ Christopher Pohl
Christopher Pohl
Assistant U.S. Attorney